

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## CLERK'S CERTIFICATE AND APPEALS COVER SHEET

## ABBREVIATED ELECTRONIC RECORD

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Case Caption: Commonwealth of Massachusetts v. The Wampanoag Tribe of Gay Head (Aquinnah) et alDistrict Court Number: 13cv13286-FDS

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Fee: Paid? Yes X No      Government filer      *In Forma Pauperis* Yes      No     

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Motions Pending Yes X No       
*If yes, document #* 205,206Sealed documents Yes      No X  
*If yes, document #*     *Ex parte* documents Yes      No X  
*If yes, document #*     Transcripts Yes X No       
*If yes, document #* 55,82,142,164

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Notice of Appeal filed by: Plaintiff/Petitioner      Defendant/Respondent      Other: X

Appeal from:

#201 Amended Final Judgment

Other information:

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I, Robert M. Farrell, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed electronic documents:

#201 and #210

with the electronic docket sheet, constitute the abbreviated record on appeal in the above entitled case for the Notice of Appeal # 210 filed on July 19, 2019.In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 19, 2019.ROBERT M. FARRELL  
Clerk of Court/s/Matthew A. Paine  
Deputy Clerk

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COURT OF APPEALS DOCKET NUMBER ASSIGNED:     

PLEASE RETURN TO THE USDC CLERK'S OFFICE

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:13-cv-13286-FDS**

Commonwealth of Massachusetts v. The Wampanoag Tribe of  
Gay Head (Aquinnah) et al

Assigned to: Judge F. Dennis Saylor, IV

Case in other court: USCA – First Circuit, 16–01137

Supreme Court of the United States,  
17–00215

Supreme Court of the United States,  
17–00216

USCA – First Circuit, 19–01661

Suffolk Superior Court, 13–00479

Cause: 28:1441 Petition for Removal– Declaratory Judgemen

**Intervenor Plaintiff**

**Aquinnah/Gay Head Community  
Association, Inc.**

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**Defendant**

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Corporation**

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**ThirdParty Defendant**

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**ThirdParty Defendant**

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**Counter Claimant**

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**Counter Claimant**

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**Counter Claimant**

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**Counter Defendant**

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**Counter Defendant**

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**Counter Claimant**

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**Counter Defendant**

**Commonwealth of Massachusetts**  
*TERMINATED: 03/04/2015*

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**Counter Claimant**

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**Counter Claimant**

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**Counter Claimant**

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Gay Head, Inc.**

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**Elizabeth J. McEvoy**  
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V.

**Counter Defendant**

**Aquinnah/Gay Head Community  
 Association, Inc.**

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*TERMINATED: 05/18/2017*  
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**Felicia H. Ellsworth**  
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**Oramel H. Skinner , III**  
 (See above for address)  
*TERMINATED: 02/17/2016*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Page	Docket Text
12/30/2013	<u>1</u>		NOTICE OF REMOVAL by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) ( Filing fee: \$ 400, receipt number 0101-4792897 Fee Status: Filing Fee paid) (Attachments: # <u>1</u> Exhibit A (Part 1), # <u>2</u> Exhibit A (Part 2), # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Civil Cover Sheet, # <u>6</u> Category Form)(Singal, Bruce) (Attachment 5 replaced on 12/30/2013) (Danieli, Chris). (Attachment 6 replaced on 12/30/2013) (Danieli, Chris). (Entered: 12/30/2013)
12/30/2013	<u>2</u>		CORPORATE DISCLOSURE STATEMENT by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Singal, Bruce) (Entered: 12/30/2013)

12/30/2013	<u>3</u>		NOTICE of Appearance by Bruce A. Singal on behalf of The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) (Singal, Bruce) (Entered: 12/30/2013)
12/30/2013	<u>4</u>		MOTION for Leave to Appear Pro Hac Vice for admission of Scott D. Crowell Filing fee: \$ 100, receipt number 0101-4792942 by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit A)(Singal, Bruce) (Entered: 12/30/2013)
12/30/2013	<u>5</u>		MOTION for Leave to Appear Pro Hac Vice for admission of John J. Duffy Filing fee: \$ 100, receipt number 0101-4792957 by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit A)(Singal, Bruce) (Entered: 12/30/2013)
12/30/2013	<u>6</u>		MOTION for Leave to Appear Pro Hac Vice for admission of Lael R. Echo-Hawk Filing fee: \$ 100, receipt number 0101-4792964 by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit A)(Singal, Bruce) (Entered: 12/30/2013)
12/30/2013	7		NOTICE of Case Assignment. Magistrate Judge Marianne B. Bowler assigned to case. <b>Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded <a href="#">here</a>. These documents will be mailed to counsel not receiving notice electronically.</b> (Abaid, Kimberly) (Entered: 12/30/2013)
12/30/2013	8		Certified Copy of Notice of Removal Provided to Defense Counsel by mail (Danieli, Chris) (Entered: 12/30/2013)
01/06/2014	9		ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is mandatory. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at <a href="http://www.mad.uscourts.gov">http://www.mad.uscourts.gov</a> . (Garvin, Brendan) (Entered: 01/06/2014)
01/06/2014			Magistrate Judge Marianne B. Bowler: ELECTRONIC ORDER entered granting <u>4</u> Motion for Leave to Appear Pro Hac Vice; granting <u>5</u> Motion for Leave to Appear Pro Hac Vice and granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. (Bowler, Marianne) (Entered: 01/06/2014)
01/07/2014	<u>10</u>		NOTICE of Appearance by Elizabeth J. McEvoy on behalf of The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) (McEvoy, Elizabeth) (Entered: 01/07/2014)
01/13/2014	11		ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is MANDATORY. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at

			<a href="http://www.mad.uscourts.gov">http://www.mad.uscourts.gov</a> . (Garvin, Brendan) (Entered: 01/13/2014)
01/16/2014	<u>12</u>		Refusal to Consent to Proceed Before a US Magistrate Judge. . (Singal, Bruce) (Entered: 01/16/2014)
01/17/2014	13		ELECTRONIC NOTICE of Reassignment. Judge F. Dennis Saylor, IV added. (Abaid, Kimberly) (Entered: 01/17/2014)
01/17/2014	<u>14</u>		Assented to MOTION for Extension of Time to File Responsive Pleading by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Singal, Bruce) Modified on 1/28/2014 (Cicolini, Pietro). (Entered: 01/17/2014)
01/27/2014	<u>15</u>		STATE COURT Record. (Attachments: # <u>1</u> Complaint with Exhibits, Part 1, # <u>2</u> Complaint with Exhibits, Part 2, # <u>3</u> Complaint with Exhibits, Part 3, # <u>4</u> Complaint with Exhibits, Part 4, # <u>5</u> Notice of Removal, Part 1, # <u>6</u> Notice of Removal, Part 2, # <u>7</u> Notice of Removal, Part 3, # <u>8</u> Notice of Removal, Part 4, # <u>9</u> Motion for Appointment of Special Process Server)(Maynard, Timothy) (Entered: 01/27/2014)
01/28/2014	16		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>14</u> Motion for Extension of Time to Answer. As to all defendants, an answer or other responsive pleading to the complaint is due 2/28/2014. (Cicolini, Pietro) (Entered: 01/28/2014)
01/29/2014	<u>17</u>		MOTION to Remand to State Court by Commonwealth of Massachusetts.(Benedon, Carrie) (Entered: 01/29/2014)
01/29/2014	<u>18</u>		MEMORANDUM in Support re <u>17</u> MOTION to Remand to State Court filed by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit Mass. Acts 1985, c. 277)(Benedon, Carrie) (Entered: 01/29/2014)
02/06/2014	<u>19</u>		Assented to MOTION for Extension of Time to File an Opposition to Plaintiff's Motion for Remand by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Singal, Bruce) Modified on 2/7/2014 (Cicolini, Pietro). (Entered: 02/06/2014)
02/07/2014	20		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>19</u> Motion for Extension of Time to File Response re <u>17</u> MOTION to Remand to State Court. Responses due by 2/24/2014 (Cicolini, Pietro) (Entered: 02/07/2014)
02/24/2014	<u>21</u>		Opposition re <u>17</u> MOTION to Remand to State Court filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit 1 – Declaration, # <u>2</u> Exhibit A to Declaration, # <u>3</u> Exhibit B to Declaration, # <u>4</u> Exhibit C to Declaration)(Singal, Bruce) (Entered: 02/24/2014)
02/25/2014	<u>22</u>		Assented to MOTION for Extension of Time <i>For Filing A Responsive Pleaading</i> by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Singal, Bruce) (Entered: 02/25/2014)

02/26/2014	23		ELECTRONIC NOTICE Setting Hearing on <u>17</u> MOTION to Remand to State Court : Motion Hearing set for 3/10/2014 at 10:30 AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Cicolini, Pietro) (Entered: 02/26/2014)
02/27/2014	24		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting the <u>22</u> Motion for Extension of Time for filing a response to the complaint until 30 days from the date of a final decision on the motion to remand. (Cicolini, Pietro) (Entered: 02/27/2014)
03/06/2014	<u>25</u>		MOTION for Leave to File <i>Reply to Defendant's Opposition to Commonwealth's Motion for Remand</i> by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit Commonwealth's Reply to Defendants' Opposition to Commonwealth's Motion for Remand, # <u>2</u> Exhibit Declaration of Bryan F. Bertram, # <u>3</u> Exhibit Exhibit A to Bertram Declaration, # <u>4</u> Exhibit Exhibit B to Bertram Declaration, # <u>5</u> Exhibit Exhibit C to Bertram Declaration, # <u>6</u> Exhibit Exhibit D to Bertram Declaration, # <u>7</u> Exhibit Exhibit E to Bertram Declaration, # <u>8</u> Exhibit Exhibit F to Bertram Declaration, # <u>9</u> Exhibit Exhibit G to Bertram Declaration)(Benedon, Carrie) (Entered: 03/06/2014)
03/07/2014	26		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>25</u> Motion for Leave to File Reply. (Cicolini, Pietro) (Entered: 03/07/2014)
03/10/2014	27		ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Motion Hearing held on 3/10/2014 re <u>17</u> MOTION to Remand to State Court filed by Commonwealth of Massachusetts. Case called. The Court heard argument on the motion and took it under advisement. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Rice, Benedon, Bertram, Crowell, McEvoy) (Cicolini, Pietro) (Entered: 03/10/2014)
04/17/2014	<u>29</u>		NOTICE by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) re <u>21</u> Opposition to Motion, <i>Notice of Supplemental Authority</i> (Attachments: # <u>1</u> Exhibit A)(Singal, Bruce) (Entered: 04/17/2014)
04/23/2014	<u>30</u>		Counter Notice of Supplemental Authorities re <u>17</u> MOTION to Remand to State Court (Bertram, Bryan) (Entered: 04/23/2014)
07/01/2014	<u>31</u>		Judge F. Dennis Saylor, IV: MEMORANDUM AND ORDER entered denying the <u>17</u> Motion to Remand to State Court (Cicolini, Pietro) (Entered: 07/01/2014)
07/01/2014	<u>32</u>		NOTICE of Scheduling Conference set for 8/6/2014 at 10:10 AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Attachments: # <u>1</u> Text of Proposed Order)(Cicolini, Pietro) (Entered: 07/01/2014)
07/10/2014	<u>33</u>		NOTICE of Appearance by James L. Quarles, III on behalf of Aquinnah/Gay Head Community Association, Inc. (Quarles, James) (Entered: 07/10/2014)
07/10/2014	<u>34</u>		NOTICE of Appearance by Oramel H. Skinner, III on behalf of Aquinnah/Gay Head Community Association, Inc. (Skinner, Oramel) (Entered: 07/10/2014)
07/10/2014	<u>35</u>		NOTICE of Appearance by Felicia H. Ellsworth on behalf of Aquinnah/Gay Head Community Association, Inc. (Ellsworth, Felicia) (Entered: 07/10/2014)
07/10/2014	<u>36</u>		MOTION to Intervene by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 07/10/2014)

07/10/2014	<u>37</u>		MEMORANDUM in Support re <u>36</u> MOTION to Intervene filed by Aquinnah/Gay Head Community Association, Inc.. (Attachments: # <u>1</u> Exhibit [Proposed] Complaint of Intervenor–Plaintiff Aquinnah/Gay Head Community Association, Inc.)(Ellsworth, Felicia) (Entered: 07/10/2014)
07/10/2014	<u>38</u>		MOTION to Intervene by Town of Aquinnah.(Goldsmith, Michael) (Entered: 07/10/2014)
07/10/2014	<u>39</u>		MEMORANDUM in Support re <u>38</u> MOTION to Intervene filed by Town of Aquinnah. (Goldsmith, Michael) (Entered: 07/10/2014)
07/15/2014	<u>40</u>		NOTICE of Appearance by Ronald H. Rappaport on behalf of Town of Aquinnah (Rappaport, Ronald) (Entered: 07/15/2014)
07/24/2014	<u>41</u>		Opposition re <u>38</u> MOTION to Intervene <i>Town of Aquinnah</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 07/24/2014)
07/24/2014	<u>42</u>		Opposition re <u>36</u> MOTION to Intervene <i>Aquinnah/Gay Head Community Associations</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 07/24/2014)
07/30/2014	<u>43</u>		CERTIFICATION pursuant to Local Rule 16.1 (D)(3). (Bertram, Bryan) (Entered: 07/30/2014)
07/30/2014	<u>44</u>		JOINT STATEMENT re scheduling conference . (Bertram, Bryan) (Entered: 07/30/2014)
07/30/2014	<u>45</u>		CERTIFICATION pursuant to Local Rule 16.1 by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(McEvoy, Elizabeth) (Entered: 07/30/2014)
07/31/2014	<u>46</u>		MOTION for Leave to File <i>Reply in Support of the Aquinnah/Gay Head Community Association's Motion to Intervene</i> by Aquinnah/Gay Head Community Association, Inc.. (Attachments: # <u>1</u> Reply in Support of the Aquinnah/Gay Head Community Association's Motion to Intervene)(Ellsworth, Felicia) (Entered: 07/31/2014)
07/31/2014	<u>47</u>		MOTION for Leave to File <i>Reply in support of Motion to Intervene</i> by Town of Aquinnah.(Goldsmith, Michael) (Entered: 07/31/2014)
07/31/2014	<u>48</u>		REPLY to Response to <u>38</u> MOTION to Intervene filed by Town of Aquinnah. (Goldsmith, Michael) (Entered: 07/31/2014)
08/01/2014	<u>49</u>		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered. The <u>46</u> + <u>47</u> Motions for Leave to File Replies by Gay Head Community Association, Inc., and Town of Aquinnah are granted. If not done so already, counsel should now file their reply briefs using the Electronic Case Filing System in accordance with the CM/ECF Administrative Procedures. (Cicolini, Pietro) (Entered: 08/01/2014)
08/01/2014	<u>50</u>		REPLY to Response to <u>36</u> MOTION to Intervene filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 08/01/2014)

08/06/2014	<u>51</u>		ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Scheduling Conference and Motion Hearing held on 8/6/2014. Case called. The Court heard argument on the <u>36</u> MOTION to Intervene filed by Aquinnah/Gay Head Community Association, Inc. and <u>38</u> MOTION to Intervene filed by Town of Aquinnah. For the reasons stated on the record, the Court granted both motions. The intervention complaints were deemed as filed today, 8/6/2014. The Court reviewed the proposed deadlines in the <u>44</u> joint statement and adopted the timeline. A separate written scheduling order to issue as well. A further Status Conference was set for 9/5/2014 at 10:00 AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter: Lee Marzilli at leemarz@aol.com.)(Attorneys present: Duffy, Echo-Hawk, Crowell, McEvoy, Rice, Benedon, Bertram, Ellsworth, Skinner, Rappaport) (Cicolini, Pietro) (Entered: 08/06/2014)
08/06/2014	<u>52</u>		First Intervenor COMPLAINT ( <i>Plaintiff</i> ), filed by Town of Aquinnah.(Goldsmith, Michael) (Entered: 08/06/2014)
08/06/2014	<u>53</u>		Intervenor COMPLAINT , filed by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 08/06/2014)
08/07/2014	<u>54</u>		Judge F. Dennis Saylor, IV: ORDER entered. SCHEDULING ORDER.(Cicolini, Pietro) (Entered: 08/07/2014)
08/13/2014	<u>55</u>		Transcript of Scheduling Conference/Motion Hearing held on August 6, 2014, before Judge F. Dennis Saylor IV. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Lee Marzilli at leemarz@aol.com Redaction Request due 9/3/2014. Redacted Transcript Deadline set for 9/15/2014. Release of Transcript Restriction set for 11/11/2014. (Scalfani, Deborah) (Entered: 08/13/2014)
08/13/2014	56		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 08/13/2014)
08/27/2014	<u>57</u>		ANSWER to Complaint , COUNTERCLAIM against Commonwealth of Massachusetts by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 08/27/2014)
08/27/2014	<u>58</u>		ANSWER to <u>52</u> Intervenor Complaint , COUNTERCLAIM against Town of Aquinnah by The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah), The Aquinnah Wampanoag Gaming Corporation.(Crowell, Scott) (Entered: 08/27/2014)
08/27/2014	<u>59</u>		MOTION to Dismiss for Lack of Jurisdiction AGHCA COMPLAINT by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 08/27/2014)
08/27/2014	<u>60</u>		MEMORANDUM in Support re <u>59</u> MOTION to Dismiss for Lack of Jurisdiction AGHCA COMPLAINT filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The

		Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 08/27/2014)
08/27/2014	<u>61</u>	MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 08/27/2014)
08/27/2014	<u>62</u>	MEMORANDUM in Support re <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 08/27/2014)
09/05/2014	63	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 9/5/2014. Case called. Court reset deadlines as follows: As to <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> : Responses due by 10/6/2014, Replies due by 10/14/2014. Responses to counterclaims are due by 10/14/2014. Motion Hearing on pending motions ( <u>59</u> and <u>61</u> ) set for 11/5/2014 at 2:15 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Crowell (T), Rice, Bertram, Ellsworth, Skinner, Suffy (T), McEvoy(T), Goldsmith (T)) (Cicolini, Pietro) (Entered: 09/05/2014)
09/05/2014	64	ELECTRONIC NOTICE of Hearing. Interim Status Conference set for 10/6/2014 at 4:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Cicolini, Pietro) (Entered: 09/05/2014)
10/06/2014	<u>65</u>	Opposition re <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> filed by Commonwealth of Massachusetts. (Bertram, Bryan) (Entered: 10/06/2014)
10/06/2014	<u>66</u>	Joint MEMORANDUM in Opposition re <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> filed by Aquinnah/Gay Head Community Association, Inc., Town of Aquinnah. (Ellsworth, Felicia) (Entered: 10/06/2014)
10/06/2014	<u>67</u>	Opposition re <u>59</u> MOTION to Dismiss for Lack of Jurisdiction <i>AGHCA COMPLAINT</i> filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 10/06/2014)
10/06/2014	68	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 10/6/2014. Case called. Counsel update court as to the status of the case. Reply date moved, reply now due by October 20, 2014. Stipulated facts now due by December 19, 2014. Summary Judgment deadline is now January 24, 2015. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Ellsworth, Rice, Bertram, Benedon, McEvoy, Crowell, Rappaport) (Garvin, Brendan) (Entered: 10/07/2014)
10/14/2014	<u>69</u>	Assented to MOTION for Extension of Time to 10/27/14 to File Answer <i>or Responsive Pleading by the Town of Aquinnah and by Commonwealth of Massachusetts.</i> (Bertram, Bryan) (Entered: 10/14/2014)

10/14/2014	<u>70</u>		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>69</u> Motion for Extension of Time to Answer Commonwealth of Massachusetts answer due 10/27/2014; Town of Aquinnah answer due 10/27/2014. (Maynard, Timothy) (Entered: 10/14/2014)
10/20/2014	<u>71</u>		REPLY to Response to <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 10/20/2014)
10/20/2014	<u>72</u>		REPLY to Response to <u>59</u> MOTION to Dismiss for Lack of Jurisdiction <i>AGHCA COMPLAINT</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 10/20/2014)
10/24/2014	<u>73</u>		AMENDED ANSWER to <u>52</u> Intervenor Complaint , <i>Affirmative Defenses</i> , COUNTERCLAIM <i>to Complaint</i> against Town of Aquinnah by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation. (Crowell, Scott) (Entered: 10/24/2014)
10/24/2014	<u>74</u>		AMENDED ANSWER to <i>Complaint</i> , <i>Affirmative Defenses</i> , COUNTERCLAIM <i>to Complaint of the Commonwealth of Massachusetts and Counterclaims against Third-Party Defendants</i> against Commonwealth of Massachusetts by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc.. (Crowell, Scott) (Entered: 10/24/2014)
10/27/2014	<u>75</u>		<i>Intervenor-Plaintiff</i> ANSWER to Counterclaim ( <i>Amended</i> ) by Town of Aquinnah.(Goldsmith, Michael) (Entered: 10/27/2014)
10/27/2014	<u>76</u>		MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Commonwealth of Massachusetts.(Benedon, Carrie) (Entered: 10/27/2014)
10/27/2014	<u>77</u>		MEMORANDUM in Support re <u>76</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Commonwealth of Massachusetts. (Benedon, Carrie) (Entered: 10/27/2014)
10/29/2014	<u>78</u>		MOTION for Leave to File <i>Sur-Reply</i> by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit Proposed Sur-Reply of Plaintiff Commonwealth of Massachusetts in Further Opposition to Defendants' Motion to Dismiss)(Benedon, Carrie) (Entered: 10/29/2014)
10/30/2014	79		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>78</u> Motion for Leave to File Sur-Reply ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Maynard, Timothy) (Entered: 10/30/2014)
10/30/2014	<u>80</u>		SUR-REPLY to Motion re <u>61</u> MOTION to Dismiss <i>for Failure to Join a Party Under Rule 19</i> filed by Commonwealth of Massachusetts. (Benedon, Carrie) (Entered: 10/30/2014)
11/05/2014	81		

			ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Motion Hearing held on 11/5/2014. Court hears oral argument on pending motions to dismiss. Commonwealth will file further motion to dismiss on or before 11/19/14. Court takes motions under advisement. ( Status Conference set for 12/17/2014 02:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV.). (Court Reporter: Kelly Mortellite at mortellite@gmail.com.)(Attorneys present: Echo–Hawk, Ellsworth, Skinner, Rice, Bertram, Benedon, McEvoy, Skinner, Crowell, Rappaport) (Nicewicz, Craig) (Entered: 11/05/2014)
11/10/2014	<u>82</u>		Transcript of Motion Hearing held on November 5, 2014, before Judge F. Dennis Saylor IV. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Kelly Mortellite at mortellite@gmail.com Redaction Request due 12/1/2014. Redacted Transcript Deadline set for 12/11/2014. Release of Transcript Restriction set for 2/9/2015. (Scafani, Deborah) (Entered: 11/10/2014)
11/10/2014	83		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above–captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scafani, Deborah) (Entered: 11/10/2014)
11/14/2014	<u>84</u>		RESPONSE to Motion re <u>78</u> MOTION for Leave to File <i>Sur–Reply Citations in Response to Sur–Reply</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 11/14/2014)
11/19/2014	<u>85</u>		MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Commonwealth of Massachusetts, Deval Patrick, in his capacity as Governor of the Commonwealth of Massachusetts, Martha Coakley, in her capacity as Attorney General of the Commonwealth of Massachusetts, Stephen Crosby, in his capacity as Chairman of the Massachusetts Gaming Commission.(Benedon, Carrie) (Entered: 11/19/2014)
11/19/2014	<u>86</u>		MEMORANDUM in Support re <u>85</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Martha Coakley, in her capacity as Attorney General of the Commonwealth of Massachusetts, Commonwealth of Massachusetts, Stephen Crosby, in his capacity as Chairman of the Massachusetts Gaming Commission, Deval Patrick, in his capacity as Governor of the Commonwealth of Massachusetts. (Benedon, Carrie) (Entered: 11/19/2014)
12/03/2014	<u>87</u>		Opposition re <u>85</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 12/03/2014)
12/10/2014	<u>88</u>		REPLY to Response to <u>85</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Martha Coakley, in her capacity as Attorney General of the Commonwealth of Massachusetts, Commonwealth of Massachusetts, Stephen Crosby, in his capacity as Chairman of the

		Massachusetts Gaming Commission, Deval Patrick, in his capacity as Governor of the Commonwealth of Massachusetts. (Benedon, Carrie) (Entered: 12/10/2014)
12/17/2014	89	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 12/17/2014. Case called. Counsel requested oral argument on Motions to Dismiss. The Court gave 30 day extension for Stipulations of the fact to 1/19/2015 and cross-motions to 2/24/2015. The Court set the motion hearing for 1/9/2015 at 3:00 p.m. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Rice, Ellsworth, Duffy, Crowell, Echo-Hawk, McEvoy, Rappaport) (Pezzarossi, Lisa) (Entered: 12/29/2014)
12/29/2014	90	ELECTRONIC NOTICE Setting Motion Hearing for 1/9/2015 03:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Pezzarossi, Lisa) (Entered: 12/29/2014)
01/12/2015	91	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 1/12/2015. Case called. Court heard argument on the Commonwealth's motion to dismiss the counterclaims and took the matter under advisement. Court set new deadline for filing stipulations of fact to 2/18/2015 and cross-motions to 3/26/2015. Further status conference set for 2/12/15 at 10:00 a.m. (parties may participate by telephone for status conference). (Court Reporter: Valerie OHara at vaohara@gmail.com.) (Pezzarossi, Lisa) (Entered: 01/12/2015)
01/12/2015	92	ELECTRONIC NOTICE of Hearing. Status Conference set for 2/12/2015 10:00 AM in Courtroom 2 before Judge F. Dennis Saylor IV. Parties may appear telephonically. (Pezzarossi, Lisa) (Entered: 01/12/2015)
01/13/2015	<u>93</u>	<i>Post-Argument</i> Letter/request (non-motion) from AAG Juliana Rice . (Bertram, Bryan) (Entered: 01/13/2015)
02/12/2015	94	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 2/12/2015. Case called. Parties request two week extension for previously set deadlines for filing stipulations of fact and cross motions. The Court granted two week extension as follows: stipulations of fact to be filed by 3/4/2015 and cross-motions to 4/9/2015. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Rice, Benedon, Skinner, Ellsworth, McEvoy and attorneys by telephone: Crowell, Rappoport, Duffy, Echo-Hawk) (Pezzarossi, Lisa) (Entered: 02/12/2015)
02/27/2015	<u>95</u>	Judge F. Dennis Saylor, IV: ORDER entered. MEMORANDUM AND ORDER on Motions to Dismiss. (Pezzarossi, Lisa) (Entered: 02/27/2015)
02/27/2015	96	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered finding as moot <u>76</u> Motion to Dismiss for Failure to State a Claim (Pezzarossi, Lisa) (Entered: 02/27/2015)
03/03/2015	<u>97</u>	MOTION for Extension of Time to April 3, 2015, and May 11, 2015 to File <i>Stipulation of Facts and Cross-motions for Summary Judgment respectively</i> by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 03/03/2015)

03/05/2015	<u>98</u>		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>97</u> Partially Assented—to Motion to Extend Deadlines for Filing Stipulated Facts and Cross—Motion for Summary Judgment. (Pezzarossi, Lisa) (Entered: 03/05/2015)
03/13/2015	<u>99</u>		ANSWER to Counterclaim by Charlie Baker, Stephen Crosby, in his capacity as Chairman of the Massachusetts Gaming Commission, Maura Healey.(Bertram, Bryan) (Entered: 03/13/2015)
03/13/2015	<u>100</u>		ANSWER to <u>53</u> Intervenor Complaint , COUNTERCLAIM against Aquinnah/Gay Head Community Association, Inc. by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc..(Crowell, Scott) (Entered: 03/13/2015)
04/01/2015	<u>101</u>		Joint MOTION for Extension of Time to April 8, 2015 to File Stipulated Facts by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 04/01/2015)
04/02/2015	102		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>101</u> Joint motion to extend deadline for filing stipulated facts to April 8, 2015. (Pezzarossi, Lisa) (Entered: 04/02/2015)
04/03/2015	<u>103</u>		ANSWER to Counterclaim of the Wampanoag Tribe of Gay Head (Aquinnah), and the Aquinnah Wampanoag Gaming Corporation by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 04/03/2015)
04/07/2015	104		ELECTRONIC NOTICE of Hearing. Status Conference set for 5/15/2015 at 2:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. Parties may appear by telephone by contacting the Clerk. (Pezzarossi, Lisa) (Entered: 04/07/2015)
04/08/2015	<u>105</u>		Joint MOTION for Extension of Time to April 13, 2015 to file Stipulated Facts by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 04/08/2015)
04/10/2015	106		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>105</u> Motion for Extension of Time to 4/13/2015 to file stipulated facts. (Pezzarossi, Lisa) (Entered: 04/10/2015)
04/22/2015	<u>107</u>		STIPULATION OF FACTS NOT IN DISPUTE by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L, # <u>13</u> Exhibit M, # <u>14</u> Exhibit N, # <u>15</u> Exhibit O, # <u>16</u> Exhibit P, # <u>17</u> Exhibit Q, # <u>18</u> Exhibit R, # <u>19</u> Exhibit S, # <u>20</u> Exhibit T, # <u>21</u> Exhibit U, # <u>22</u> Exhibit V, # <u>23</u> Exhibit W, # <u>24</u> Exhibit X, # <u>25</u> Exhibit Y, # <u>26</u> Exhibit Z)(Crowell, Scott) (Entered: 04/22/2015)
05/01/2015	<u>108</u>		Joint MOTION for Extension of Time to May 28, 2015, and July 16, 2015 to submit cross—motions for summary judgment and oppositions to same by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia)

		(Entered: 05/01/2015)
05/04/2015	109	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>108</u> Joint MOTION to Extend Deadlines for Filing Cross-Motions for Summary Judgment and Oppositions to Same. Deadline for filing cross-motions for summary judgment extended to 5/28/2015, and oppositions to cross-motions for summary judgment extended to 7/16/2015. (Pezzarossi, Lisa) (Entered: 05/04/2015)
05/15/2015	110	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Status Conference held on 5/15/2015. Case called. Counsel reported on status. Court set the following deadlines: Cross Motions for Summary Judgment due 5/28/2015. Oppositions due 7/16/2015 and replies on 7/30/2015. The Court set a motion hearing on 8/12/2015 at 2:00 p.m. (Court Reporter: Catherine Handel at hhcatherine2@yahoo.com.)(Attorneys present: Rice, Bertran, Ellsworth, Skinnerr, Rappaport, Crowell, Echo-Hawk, McEvoy) (Pezzarossi, Lisa) (Entered: 05/15/2015)
05/15/2015	111	ELECTRONIC NOTICE of Hearing. MOTION HEARING set for 8/12/2015 at 2:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV. (Pezzarossi, Lisa) (Entered: 05/15/2015)
05/28/2015	<u>112</u>	MOTION for Summary Judgment by Commonwealth of Massachusetts.(Benedon, Carrie) (Entered: 05/28/2015)
05/28/2015	<u>113</u>	MEMORANDUM in Support re <u>112</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Benedon, Carrie) (Entered: 05/28/2015)
05/28/2015	<u>114</u>	STATEMENT of facts re <u>112</u> MOTION for Summary Judgment . (Benedon, Carrie) (Entered: 05/28/2015)
05/28/2015	<u>115</u>	DECLARATION of Bryan Bertram by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit Senate Hearing 99-688)(Benedon, Carrie) (Entered: 05/28/2015)
05/28/2015	<u>116</u>	MOTION for Summary Judgment by Town of Aquinnah.(Goldsmith, Michael) (Entered: 05/28/2015)
05/28/2015	<u>117</u>	MEMORANDUM in Support re <u>116</u> MOTION for Summary Judgment filed by Town of Aquinnah. (Goldsmith, Michael) (Entered: 05/28/2015)
05/28/2015	<u>118</u>	STATEMENT of facts re <u>116</u> MOTION for Summary Judgment by the Town of Aquinnah. (Goldsmith, Michael) (Entered: 05/28/2015)
05/28/2015	<u>119</u>	MOTION for Summary Judgment by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Declaration of Tobias J. Vanderhoop, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L, # <u>14</u> Exhibit M, # <u>15</u> Exhibit N, # <u>16</u> Exhibit O, # <u>17</u> Exhibit P, # <u>18</u> Exhibit Q)(Crowell, Scott) (Entered: 05/28/2015)
05/28/2015	<u>120</u>	MOTION for Summary Judgment by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 05/28/2015)

05/28/2015	<u>121</u>		MEMORANDUM in Support re <u>120</u> MOTION for Summary Judgment filed by Aquinnah/Gay Head Community Association, Inc.. (Attachments: # <u>1</u> Declaration of Felicia H. Ellsworth, # <u>2</u> Exhibit A to Ellsworth Declaration, # <u>3</u> Exhibit B to Ellsworth Declaration, # <u>4</u> Exhibit C to Ellsworth Declaration, # <u>5</u> Exhibit D to Ellsworth Declaration, # <u>6</u> Exhibit E to Ellsworth Declaration)(Ellsworth, Felicia) (Entered: 05/28/2015)
06/10/2015	<u>122</u>		Assented to MOTION for Extension of Time to July 23, 2015 & August 6, 2015 to File Oppositions to and Replies in Support of Cross-Motions for Summary Judgment by Aquinnah/Gay Head Community Association, Inc..(Ellsworth, Felicia) (Entered: 06/10/2015)
06/11/2015	123		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>122</u> Assented to MOTION for Extension of Time to July 23, 2015 & August 6, 2015 to File Oppositions to and Replies in Support of Cross-Motions for Summary Judgment. (Pezzarossi, Lisa) (Entered: 06/11/2015)
07/14/2015	<u>124</u>		MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> by Town of Aquinnah.(Goldsmith, Michael) (Entered: 07/14/2015)
07/14/2015	<u>125</u>		MEMORANDUM in Support re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Town of Aquinnah. (Attachments: # <u>1</u> Exhibit Deposition Transcript (to be filed under Local Rules), # <u>2</u> Exhibit Intergovernmental Agreement, # <u>3</u> Exhibit Operational Plan, # <u>4</u> Exhibit Vineyard Gazette Article, # <u>5</u> Affidavit Leonard Jason, Jr., # <u>6</u> Exhibit Response to Cease and Desist Order)(Goldsmith, Michael) (Entered: 07/14/2015)
07/14/2015	<u>126</u>		EXHIBIT re <u>125</u> Memorandum in Support of Motion, <i>Temporary Restraining Order or a Preliminary Injunction</i> by Town of Aquinnah. (Goldsmith, Michael) (Entered: 07/14/2015)
07/14/2015	<u>127</u>		EXHIBIT re <u>125</u> Memorandum in Support of Motion, <i>Temporary Restraining Order or a Preliminary Injunction</i> by Town of Aquinnah. (Goldsmith, Michael) (Entered: 07/14/2015)
07/14/2015	<u>128</u>		MEMORANDUM in Support re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 07/14/2015)
07/15/2015	129		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered. ORDER Setting Hearing on Motion <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> : Motion Hearing set for 7/28/2015 at 3:00 PM in Courtroom 2 before Judge F. Dennis Saylor IV.(Pezzarossi, Lisa) (Entered: 07/15/2015)
07/15/2015	<u>130</u>		MEMORANDUM in Support re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Commonwealth of Massachusetts. (Bertram, Bryan) (Entered: 07/15/2015)
07/23/2015	<u>131</u>		MEMORANDUM in Opposition re <u>119</u> MOTION for Summary Judgment filed by Charlie Baker, Commonwealth of Massachusetts, Stephen Crosby, in his capacity as Chairman of the Massachusetts Gaming Commission, Maura Healey. (Bertram, Bryan) (Entered: 07/23/2015)
07/23/2015	<u>132</u>		

		Opposition re <u>119</u> MOTION for Summary Judgment <i>by Defendants</i> filed by Town of Aquinnah. (Goldsmith, Michael) (Entered: 07/23/2015)
07/23/2015	<u>133</u>	MEMORANDUM in Opposition re <u>116</u> MOTION for Summary Judgment , <u>120</u> MOTION for Summary Judgment , <u>112</u> MOTION for Summary Judgment filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 07/23/2015)
07/23/2015	<u>134</u>	Opposition re <u>119</u> MOTION for Summary Judgment filed by Aquinnah/Gay Head Community Association, Inc.. (Attachments: # <u>1</u> Affidavit of Felicia H. Ellsworth, # <u>2</u> Exhibit 1 to Affidavit of Felicia H. Ellsworth, # <u>3</u> Exhibit 2 to Affidavit of Felicia H. Ellsworth, # <u>4</u> Exhibit 3 to Affidavit of Felicia H. Ellsworth, # <u>5</u> Exhibit 4 to Affidavit of Felicia H. Ellsworth)(Ellsworth, Felicia) (Entered: 07/23/2015)
07/23/2015	<u>135</u>	Statement of Material Facts L.R. 56.1 re <u>119</u> MOTION for Summary Judgment filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 07/23/2015)
07/27/2015	<u>136</u>	MEMORANDUM in Opposition re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit ONE–Declaration of Tobias J. Vanderhoop, # <u>2</u> Exhibit A–In Support of Declaration of Tobias J. Vanderhoop, # <u>3</u> Exhibit B–In Support of Declaration of Tobias J. Vanderhoop, # <u>4</u> Exhibit C–In Support of Declaration of Tobias J. Vanderhoop, # <u>5</u> Exhibit TWO–Declaration of Cheryl A. Maltais)(Crowell, Scott) (Entered: 07/27/2015)
07/27/2015	<u>137</u>	NOTICE of Withdrawal of Appearance by John J. Duffy (Duffy, John) (Entered: 07/27/2015)
07/27/2015	<u>138</u>	REPLY to Response to <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Town of Aquinnah. (Attachments: # <u>1</u> Affidavit of Julianne Vanderhoop, # <u>2</u> Affidavit of Leonard Jason, Jr. Supplemental)(Goldsmith, Michael) (Entered: 07/27/2015)
07/28/2015	139	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Motion Hearing held on 7/28/2015 re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Town of Aquinnah. Case called. Court heard argument on the motion. For the reasons stated on the record, the Court GRANTED motion for preliminary injunction. Order to issue. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Rice, Bertran, Ellsworth, Skinner, Rappaport, Crowell, McEvoy) (Pezzarossi, Lisa) (Entered: 07/29/2015)
07/28/2015	<u>140</u>	Judge F. Dennis Saylor, IV: ORDER entered. re <u>124</u> MOTION for Temporary Restraining Order <i>and/or Preliminary Injunction</i> filed by Town of Aquinnah (Pezzarossi, Lisa) (Entered: 07/29/2015)
07/30/2015	<u>141</u>	RESPONSE TO COURT ORDER by Town of Aquinnah re <u>140</u> Order <i>Undertaking to Provide Security</i> . (Goldsmith, Michael) (Entered: 07/30/2015)
07/31/2015	<u>142</u>	

		Transcript of Motion Hearing held on July 28, 2015, before Judge F. Dennis Saylor IV. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Valerie OHara at vaohara@gmail.com Redaction Request due 8/21/2015. Redacted Transcript Deadline set for 8/31/2015. Release of Transcript Restriction set for 10/29/2015. (Scafani, Deborah) (Entered: 07/31/2015)
07/31/2015	<u>143</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scafani, Deborah) (Entered: 07/31/2015)
08/06/2015	<u>144</u>	REPLY to Response to <u>116</u> MOTION for Summary Judgment filed by Town of Aquinnah. (Goldsmith, Michael) (Entered: 08/06/2015)
08/06/2015	<u>145</u>	REPLY to Response to <u>120</u> MOTION for Summary Judgment filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 08/06/2015)
08/06/2015	<u>146</u>	MOTION for Leave to File <i>Memorandum in Excess of Page Limit for Aquinnah's Reply in Support of Motion for Summary Judgment</i> by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit Aquinnah's Reply in Support of Motion for Summary Judgment)(Crowell, Scott) (Entered: 08/06/2015)
08/06/2015	<u>147</u>	REPLY to Response to <u>112</u> MOTION for Summary Judgment filed by Commonwealth of Massachusetts. (Bertram, Bryan) (Entered: 08/06/2015)
08/12/2015	<u>148</u>	ELECTRONIC Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Motion Hearing held on 8/12/2015. Case called. Court heard argument on the cross motions for summary judgment. Court took the matter under advisement. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Bertran, Benedon, Rice, Crowell, Echo-Hawk, Skinner, Ellsworth, Rappoport) (Pezzarossi, Lisa) (Entered: 08/12/2015)
08/18/2015	<u>149</u>	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>146</u> MOTION for Leave to File Memorandum in Excess of Page Limit for Aquinnah's Reply in Support of Motion for Summary Judgment (Assented to). Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Pezzarossi, Lisa) (Entered: 08/18/2015)
08/18/2015	<u>150</u>	REPLY to Response to <u>116</u> MOTION for Summary Judgment , <u>120</u> MOTION for Summary Judgment , <u>112</u> MOTION for Summary Judgment filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 08/18/2015)
11/13/2015	<u>151</u>	

		Judge F. Dennis Saylor, IV: ORDER entered. Memorandum and Order on Motions for Summary Judgment. (Pezzarossi, Lisa) (Entered: 11/13/2015)
12/11/2015	<u>152</u>	MOTION for Reconsideration re <u>151</u> Memorandum & ORDER by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Affidavit Declaration of Scott Crowell, # <u>2</u> Exhibit One to Declaration of Scott Crowell, # <u>3</u> Exhibit Two to Declaration of Scott Crowell, # <u>4</u> Exhibit Three to Declaration of Scott Crowell)(Crowell, Scott) (Entered: 12/11/2015)
12/23/2015	153	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered. After careful consideration and review, the <u>152</u> motion of defendants and counterclaim–plaintiffs for reconsideration is DENIED. (Pezzarossi, Lisa) (Entered: 12/23/2015)
12/28/2015	<u>154</u>	Judge F. Dennis Saylor, IV: ORDER OF DISMISSAL entered. (Pezzarossi, Lisa) (Entered: 12/28/2015)
12/29/2015	<u>155</u>	MOTION Entry of Final Judgment <i>on Behalf of the Commonwealth of Massachusetts, the Town of Aquinnah, and the Aquinnah/Gay Head Community Association, Inc.</i> by Aquinnah/Gay Head Community Association, Inc.. (Attachments: # <u>1</u> Exhibit A – Proposed Final Judgment)(Ellsworth, Felicia) (Entered: 12/29/2015)
01/03/2016	<u>156</u>	MEMORANDUM in Opposition re <u>155</u> MOTION Entry of Final Judgment <i>on Behalf of the Commonwealth of Massachusetts, the Town of Aquinnah, and the Aquinnah/Gay Head Community Association, Inc.</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit 1–Tribe's Proposed Form– Final Judgment)(Crowell, Scott) (Entered: 01/03/2016)
01/05/2016	157	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered. Pursuant to Fed. R. Civ. P. 60(a), the order of dismissal in this case dated December 28, 2015 (Docket # 154) is VACATED, having been issued by "clerical mistake" within the meaning of the rule. The motion for entry of final judgment (Docket # 155) is GRANTED, subject to certain modifications. A final judgment under Fed. R. Civ. P. 58 shall issue. (Pezzarossi, Lisa) (Entered: 01/05/2016)
01/05/2016	<u>158</u>	Judge F. Dennis Saylor, IV: ORDER entered. FINAL JUDGMENT. (Pezzarossi, Lisa) (Entered: 01/05/2016)
02/01/2016	<u>159</u>	NOTICE OF APPEAL as to <u>158</u> Judgment by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) Filing fee: \$ 505, receipt number 0101–5955808 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 2/22/2016.</b>

			<b>(Crowell, Scott) (Entered: 02/01/2016)</b>
02/02/2016	<u>160</u>		Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>159</u> Notice of Appeal. (Paine, Matthew) (Entered: 02/02/2016)
02/02/2016	161		USCA Case Number 16–1137 for <u>159</u> Notice of Appeal filed by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation. (Paine, Matthew) (Entered: 02/02/2016)
02/17/2016	<u>162</u>		NOTICE of Withdrawal of Appearance by Oramel H. Skinner, III (Skinner, Oramel) (Entered: 02/17/2016)
02/23/2016	<u>163</u>		TRANSCRIPT ORDER FORM by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) for proceedings held on 3/10/2014 before Judge F. Dennis Saylor IV, re <u>159</u> Notice of Appeal,,, 161 USCA Case Number, <u>160</u> Abbreviated Electronic Record on Appeal Sent to USCA Transcript due by 4/25/2016. (Crowell, Scott) (Entered: 02/23/2016)
03/01/2016	<u>164</u>		Transcript of Motion Hearing held on March 10, 2014, before Judge F. Dennis Saylor IV. COA Case No. 16–1137. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Valerie OHara at vaohara@gmail.com Redaction Request due 3/22/2016. Redacted Transcript Deadline set for 4/1/2016. Release of Transcript Restriction set for 5/30/2016. (Scalfani, Deborah) (Entered: 03/01/2016)
03/01/2016	165		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above–captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at <a href="http://www.mad.uscourts.gov/attorneys/general-info.htm">http://www.mad.uscourts.gov/attorneys/general-info.htm</a> (Scalfani, Deborah) (Entered: 03/01/2016)
04/10/2017	<u>166</u>		OPINION of USCA as to <u>159</u> Notice of Appeal filed by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation. (Paine, Matthew) (Entered: 04/11/2017)
04/10/2017	<u>167</u>		USCA Judgment as to <u>159</u> Notice of Appeal filed by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation.  The district court's judgment is REVERSED, and the matter REMANDED to the district for entry of judgment in favor of the tribe.  (Paine, Matthew) (Entered: 04/11/2017)
05/18/2017	<u>168</u>		NOTICE of Withdrawal of Appearance by Felicia H. Ellsworth <i>on behalf of James L. Quarles</i> , (Ellsworth, Felicia) (Entered: 05/18/2017)
08/10/2017	<u>171</u>		Case Appealed to Supreme Court of the United States, Case Number 17–215. (Paine, Matthew) (Entered: 01/19/2018)
08/10/2017	<u>172</u>		

		Case Appealed to Supreme Court of the United States, Case Number 17–216. (Paine, Matthew) (Entered: 01/19/2018)
08/22/2017	<u>169</u>	Petition for Writ of Certiorari filed on 08/08/2017 (Halley, Taylor) (Entered: 08/23/2017)
08/22/2017	<u>170</u>	Petition for Writ of Certiorari filed on 08/08/2017 (Halley, Taylor) (Entered: 08/23/2017)
01/08/2018	<u>174</u>	Order entered from the U.S. Supreme Court. The Petition for a Writ of Certiorari is Denied. (Paine, Matthew) (Entered: 01/19/2018)
01/08/2018	<u>175</u>	Order entered from the U.S. Supreme Court. The Petition for a Writ of Certiorari is Denied. (Paine, Matthew) (Entered: 01/19/2018)
01/19/2018	173	Notice of correction to docket made by Court staff. Correction: Docket Entries 169 and 170 Were Docketed Incorrectly By the Docket Clerk and Re–Docketed Under the Correct Appellate Event as Entries 171 and 172. (Paine, Matthew) (Entered: 01/19/2018)
05/09/2018	<u>176</u>	MANDATE of USCA as to <u>159</u> Notice of Appeal filed by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation. Appeal <u>159</u> Terminated (Paine, Matthew) (Entered: 05/10/2018)
04/04/2019	<u>177</u>	NOTICE of Appearance by Douglas J. Kline on behalf of Town of Aquinnah (Kline, Douglas) (Entered: 04/04/2019)
04/04/2019	<u>178</u>	NOTICE of Appearance by Joshua J. Bone on behalf of Town of Aquinnah (Bone, Joshua) (Entered: 04/04/2019)
04/04/2019	<u>179</u>	MOTION for Leave to Appear Pro Hac Vice for admission of William M. Jay Filing fee: \$ 100, receipt number 0101–7620385 by Town of Aquinnah. (Attachments: # <u>1</u> Exhibit A: Certificate of William M. Jay)(Kline, Douglas) (Entered: 04/04/2019)
04/04/2019	<u>180</u>	MOTION for Entry of Final Judgment by Town of Aquinnah. (Attachments: # <u>1</u> Proposed Final Judgment)(Kline, Douglas) Modified on 6/25/2019 (Halley, Taylor). (Entered: 04/04/2019)
04/04/2019	<u>181</u>	MEMORANDUM in Support re <u>180</u> MOTION for Entry of Final Judgment filed by Town of Aquinnah. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Kline, Douglas) (Entered: 04/04/2019)
04/04/2019	<u>182</u>	NOTICE of Appearance by Claire M. Specht on behalf of Aquinnah/Gay Head Community Association, Inc. (Specht, Claire) (Entered: 04/04/2019)
04/04/2019	<u>183</u>	MEMORANDUM in Support re <u>180</u> MOTION for Entry of Final Judgment filed by Aquinnah/Gay Head Community Association, Inc.. (Ellsworth, Felicia) (Entered: 04/04/2019)
04/05/2019	184	Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>179</u> Motion for Leave to Appear Pro Hac Vice Added WILLIAM M. JAY. <b>Attorneys admitted Pro Hac Vice must register for electronic filing if the attorney does not already have an ECF account in this district. To register go to the Court website at <a href="http://www.mad.uscourts.gov">www.mad.uscourts.gov</a>. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF</b>

			<b>Registration Form.</b> (Halley, Taylor) (Entered: 04/05/2019)
04/18/2019	<u>185</u>		MEMORANDUM in Opposition re <u>180</u> MOTION for Entry of Final Judgment filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Affidavit –Declaration of Cheryl Andrews–Maltais, # <u>2</u> Exhibit A in Support of Declaration of Cheryl Andrews–Maltais, # <u>3</u> Affidavit –Declaration of Eric Robitaille, # <u>4</u> Text of Proposed Order)(Crowell, Scott) (Entered: 04/18/2019)
04/25/2019	<u>186</u>		MOTION for Leave to File <i>a Reply Memorandum in Support of Motion for Entry of Judgment</i> by Aquinnah/Gay Head Community Association, Inc., Town of Aquinnah. (Attachments: # <u>1</u> Exhibit 1)(Kline, Douglas) (Entered: 04/25/2019)
04/29/2019	<u>187</u>		MOTION for Leave to File <i>Reply to Opposition to Motion for Entry of Judgment</i> by Commonwealth of Massachusetts. (Attachments: # <u>1</u> Exhibit)(Rice, Juliana) (Entered: 04/29/2019)
05/01/2019	188		Judge F. Dennis Saylor: ELECTRONIC ORDER entered. ORDER Setting Hearing on Motion <u>180</u> MOTION for Entry of Final Judgment : Motion Hearing set for 5/20/2019 11:00 AM in Courtroom 2 before Judge F. Dennis Saylor IV.(Pezzarossi, Lisa) (Entered: 05/01/2019)
05/01/2019	<u>189</u>		Opposition re <u>186</u> MOTION for Leave to File <i>a Reply Memorandum in Support of Motion for Entry of Judgment</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Affidavit /Declaration of Scott Crowell, # <u>2</u> Exhibit A to Declaration of Scott Crowell, # <u>3</u> Exhibit B to Declaration of Scott Crowell, # <u>4</u> Exhibit C to Declaration of Scott Crowell, # <u>5</u> Exhibit D to Declaration of Scott Crowell, # <u>6</u> Exhibit E to Declaration of Scott Crowell)(Crowell, Scott) (Entered: 05/01/2019)
05/01/2019	<u>190</u>		Opposition re <u>187</u> MOTION for Leave to File <i>Reply to Opposition to Motion for Entry of Judgment</i> filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 05/01/2019)
05/01/2019	<u>191</u>		MOTION for Leave to File <i>A SUR–REPLY IN OPPOSITION TO TOWN OF AQUINNAHS MOTION FOR ENTRY OF FINAL JUDGMENT</i> by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Exhibit Aquinnah's Sur–Reply)(Crowell, Scott) (Entered: 05/01/2019)
05/06/2019	192		<b>NEW TIME AND DATE</b> ----ELECTRONIC NOTICE Resetting Hearing on Motion <u>180</u> MOTION for Entry of Final Judgment : By agreement of the parties, the Motion Hearing has been RESCHEDULED for 5/31/2019 at 9:00 AM in Courtroom 2 before Judge F. Dennis Saylor IV. (Pezzarossi, Lisa) (Entered: 05/06/2019)
05/06/2019	193		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>186</u> MOTION for Leave to File a Reply Memorandum in Support of Motion for Entry of Judgment ; Counsel using the Electronic Case Filing System should

			now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Pezzarossi, Lisa) (Entered: 05/06/2019)
05/06/2019	194		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>187</u> MOTION for Leave to File Reply to Opposition to Motion for Entry of Judgment; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Pezzarossi, Lisa) (Entered: 05/06/2019)
05/06/2019	195		Judge F. Dennis Saylor, IV: ELECTRONIC ORDER entered granting <u>191</u> MOTION for Leave to File A SUR–REPLY IN OPPOSITION TO TOWN OF AQUINNAHS MOTION FOR ENTRY OF FINAL JUDGMENT; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Pezzarossi, Lisa) (Entered: 05/06/2019)
05/06/2019	<u>196</u>		SUR–REPLY to Motion re <u>180</u> MOTION for Entry of Final Judgment filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 05/06/2019)
05/06/2019	<u>197</u>		REPLY to Response to <u>180</u> MOTION for Entry of Final Judgment filed by Aquinnah/Gay Head Community Association, Inc., Town of Aquinnah. (Kline, Douglas) (Entered: 05/06/2019)
05/06/2019	<u>198</u>		REPLY to Response to <u>180</u> MOTION for Entry of Final Judgment filed by Charlie Baker, Commonwealth of Massachusetts, Stephen Crosby, in his capacity as Chairman of the Massachusetts Gaming Commission, Maura Healey. (Rice, Juliana) (Entered: 05/06/2019)
05/31/2019	199		Electronic Clerk's Notes for proceedings held before Judge F. Dennis Saylor, IV: Motion Hearing held on 5/31/2019 re <u>180</u> MOTION for Entry of Final Judgment filed by Town of Aquinnah. Court heard argument on the motion. Court took the matter UNDER ADVISEMENT. (Court Reporter: Valerie OHara at vaohara@gmail.com.)(Attorneys present: Various) (Pezzarossi, Lisa) (Entered: 05/31/2019)
06/19/2019	<u>200</u>		Judge F. Dennis Saylor, IV: ORDER on <u>180</u> Motion for Final Judgment. (FDS, law1) (Entered: 06/19/2019)
06/19/2019	<u>201</u>	37	Judge F. Dennis Saylor, IV: ORDER entered. AMENDED FINAL JUDGMENT. (FDS, law1) (Entered: 06/19/2019)
06/28/2019	<u>202</u>		NOTICE OF APPEAL as to <u>200</u> Order on Motion for Miscellaneous Relief, <u>201</u> Judgment by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) Filing fee: \$ 505, receipt number 0101–7755770 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at

			<a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at <a href="http://www.ca1.uscourts.gov/cmecf">http://www.ca1.uscourts.gov/cmecf</a>. US District Court Clerk to deliver official record to Court of Appeals by 7/18/2019. (Crowell, Scott) (Entered: 06/28/2019)</b>
06/28/2019	<u>203</u>		Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>202</u> Notice of Appeal. (Paine, Matthew) (Entered: 06/28/2019)
07/01/2019	204		USCA Case Number 19-1661 for <u>202</u> Notice of Appeal filed by The Wampanoag Tribe of Gay Head (Aquinnah), The Wampanoag Tribal Council of Gay Head, Inc., The Aquinnah Wampanoag Gaming Corporation. (Paine, Matthew) (Entered: 07/01/2019)
07/02/2019	<u>205</u>		MOTION to Alter Judgment by Commonwealth of Massachusetts.(Rice, Juliana) (Entered: 07/02/2019)
07/10/2019	<u>206</u>		MOTION to Stay re <u>202</u> Notice of Appeal,,, by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah).(Crowell, Scott) (Entered: 07/10/2019)
07/11/2019	<u>207</u>		MEMORANDUM in Support re <u>206</u> MOTION to Stay re <u>202</u> Notice of Appeal,,, filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Attachments: # <u>1</u> Affidavit /Declaration of Cheryl Andrews-Maltais, # <u>2</u> Exhibit A to Declaration of Cheryl Andrews-Maltais, # <u>3</u> Exhibit B to Declaration of Cheryl Andrews-Maltais, # <u>4</u> Exhibit C to Declaration of Cheryl Andrews-Maltais, # <u>5</u> Exhibit D to Declaration of Cheryl Andrews-Maltais, # <u>6</u> Affidavit /Declaration of Felix Zemel, # <u>7</u> Text of Proposed Order)(Crowell, Scott) (Entered: 07/11/2019)
07/15/2019	<u>208</u>		Opposition re <u>205</u> MOTION to Alter Judgment filed by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah). (Crowell, Scott) (Entered: 07/15/2019)
07/17/2019	<u>209</u>		TRANSCRIPT ORDER FORM by The Aquinnah Wampanoag Gaming Corporation, The Wampanoag Tribal Council of Gay Head, Inc., The Wampanoag Tribe of Gay Head (Aquinnah) for proceedings held on 5/31/2019 before Judge F. Dennis Saylor IV, (Crowell, Scott) (Entered: 07/17/2019)
07/19/2019	<u>210</u>	41	NOTICE OF CROSS APPEAL as to <u>201</u> Judgment by Aquinnah/Gay Head Community Association, Inc., Town of Aquinnah. ( Filing fee: \$ 505, receipt number 0101-7789499 (Fee Status: Filing Fee paid)) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov">http://www.ca1.uscourts.gov</a> MUST be completed and submitted to the Court of Appeals. <b>Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at <a href="http://pacer.psc.uscourts.gov/cmecf">http://pacer.psc.uscourts.gov/cmecf</a>. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF</b>

		<b>Information section at <a href="http://www.ca1.uscourts.gov/efiling.htm">http://www.ca1.uscourts.gov/efiling.htm</a>. US District Court Clerk to deliver official record to Court of Appeals by 8/8/2019. (Kline, Douglas) (Entered: 07/19/2019)</b>
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**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**COMMONWEALTH OF MASSACHUSETTS,**

**Plaintiff/Counterclaim-  
Defendant,**

**and**

**THE AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC. (AGHCA) and TOWN  
OF AQUINNAH,**

**Intervenors/Plaintiffs,**

**v.**

**THE WAMPANOAG TRIBE OF GAY HEAD  
(AQUINNAH), THE WAMPANOAG TRIBAL  
COUNCIL OF GAY HEAD, INC., and THE  
AQUINNAH WAMPANOAG GAMING  
CORPORATION,**

**Defendants/Counterclaim-  
Plaintiffs,**

**v.**

**CHARLES BAKER, in his official capacity as  
GOVERNOR, COMMONWEALTH OF  
MASSACHUSETTS, et al.,**

**Third-Party Defendants.**

**Civil Action No.  
13-13286-FDS**

**AMENDED FINAL JUDGMENT**

**SAYLOR, J.**

Pursuant to Rule 58 of the Federal Rules of Civil Procedure, and in accordance with the Court's July 28, 2015 Order entering a preliminary injunction (Docket No. 140); the Court's November 13, 2015 Order addressing cross-motions for summary judgment (Docket No. 151);

the mandate of the United States Court of Appeals for the First Circuit dated January 5, 2016 (Docket No. 176); and the Court's June 19, 2019 Order on the motion of the Town of Aquinnah for final judgment (filed herewith), it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

1. The following definitions shall apply in this judgment:
  - a. The term "the Tribe" shall mean defendants/counterclaim-plaintiffs the Wampanoag Tribe of Gay Head (Aquinnah); the Wampanoag Tribal Council of Gay Head, Inc.; and the Aquinnah Wampanoag Gaming Corporation.
  - b. The term "the Governmental and Private Parties" shall mean plaintiff/counterclaim-defendant the Commonwealth of Massachusetts; intervenor-plaintiff/counterclaim-defendant the Town of Aquinnah; intervenor-plaintiff the Aquinnah/Gay Head Community Association, Inc.; and third-party defendants Governor Charles D. Baker, Attorney General Maura Healey, and Massachusetts Gaming Commissioner Chairman Stephen Crosby, all acting in their official capacity.
  - c. The term "Settlement Lands" shall mean the "settlement lands," as defined in 25 U.S.C. § 1771f(8), and any other land that may now or hereafter be owned by or held in trust for any Indian tribe or entity in the town of Aquinnah, Massachusetts.
  - d. The term "the Gaming Laws" shall mean the laws, regulations, and ordinances of the Commonwealth of Massachusetts and the Town of Aquinnah that prohibit or regulate the conduct of bingo or any other game

of chance.

e. The term “the General Regulatory Laws” shall mean the laws, regulations, and ordinances of the Commonwealth of Massachusetts, the Town of Aquinnah, and other state and local governmental authorities other than the Gaming Laws, including but not limited to any state and local permitting requirements.

2. Judgment is hereby entered in favor of the Tribe, and against the Governmental and Private Parties, as to (a) the claims brought by the Governmental and Private Parties, to the extent that they seek declaratory and injunctive relief providing that the Tribe must comply with the Gaming Laws on the Settlement Lands, and (b) the counterclaims and third-party claims brought by the Tribe, to the extent that they seek declaratory and injunctive relief providing that such compliance with the Gaming Laws is not required.
3. Judgment is hereby entered in favor of the Governmental and Private Parties, and against the Tribe, as to (a) the claims brought by the Governmental and Private Parties, to the extent that they seek declaratory and injunctive relief providing that the Tribe is subject to the General Regulatory Laws in connection with the construction, occupancy, and operation of a gaming facility on the Settlement Lands, and (b) the counterclaims and third-party claims brought by the Tribe, to the extent that they seek relief providing that such activities by the Tribe are not subject to the General Regulatory Laws.
4. Judgment is hereby entered declaring that (a) the Tribe may construct, occupy, and operate a gaming facility on the Settlement Lands without complying with the

Gaming Laws, and (b) the Tribe's construction, occupancy, and operation of a gaming facility on the Settlement Lands shall otherwise be subject to the General Regulatory Laws.

5. The Commonwealth of Massachusetts and the Town of Aquinnah are permanently enjoined and restrained from enforcing the Gaming Laws against the Tribe on the Settlement Lands.
6. The Tribe is permanently enjoined and restrained from constructing, occupying, and operating a gaming facility on the Settlement Lands without complying with the General Regulatory Laws.

**So Ordered.**

Dated: June 19, 2019

/s/ F. Dennis Saylor  
F. Dennis Saylor IV  
United States District Judge

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

THE COMMONWEALTH OF  
MASSACHUSETTS,

Plaintiff, and

AQUINNAH/GAY HEAD COMMUNITY  
ASSOCIATION, INC. (AGHCA) and  
TOWN OF AQUINNAH,

Plaintiff-Intervenors,

V.

No. 1:13-CV-13286-FDS

THE WAMPANOAG TRIBE OF GAY HEAD  
(AQUINNAH), THE WAMPANOAG TRIBAL  
COUNCIL OF GAY HEAD, INC., and THE  
AQUINNAH WAMPANOAG GAMING  
CORPORATION,

Defendants/Counterclaim-Plaintiffs, and

CHARLES D. BAKER, in his official capacity as Governor of the Commonwealth of Massachusetts, MAURA T. HEALEY, in her official capacity as Attorney General of the Commonwealth of Massachusetts, and CATHY JUDD-STEIN, in her official capacity as Chair of the Massachusetts Gaming Commission,

### Third Party Defendants.

## NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 3(a) and 28 U.S.C. § 1291, notice is hereby given that Plaintiff-Intervenors Town of Aquinnah and Aquinnah/Gay Head Community Association, Inc. (“AGHCA”) cross-appeal to the United States Court of Appeals for the First Circuit from the Amended Final Judgment entered in the above-captioned action on June 19, 2019 (ECF No. 201).

Dated: July 19, 2019

Respectfully submitted,

AQUINNAH/GAY HEAD COMMUNITY ASSOCIATION, INC. (AGHCA) TOWN OF AQUINNAH

By its attorneys,

By its attorneys,

/s/ Felicia H. Ellsworth  
Felicia H. Ellsworth (BBO No. 665232)  
Claire M. Specht (BBO No. 687952)  
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/s/ Ronald H. Rappaport  
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wjay@goodwinlaw.com

**CERTIFICATE OF SERVICE**

I, Douglas J. Kline, certify that on July 19, 2019, a true copy of the foregoing document was served by CM/ECF and/or first class mail upon all other counsel of record in this action.

/s/ Douglas J. Kline  
Douglas J. Kline

# United States Court of Appeals For the First Circuit

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No. 19-1729

AQUINNAH/GAY HEAD COMMUNITY ASSOCIATION, INC.; TOWN OF AQUINNAH

Plaintiffs - Appellants

COMMONWEALTH OF MASSACHUSETTS

Plaintiff

v.

THE WAMPANOAG TRIBE OF GAY HEAD (AQUINNAH); THE WAMPANOAG TRIBAL  
COUNCIL OF GAY HEAD, INC.; THE AQUINNAH WAMPANOAG GAMING  
CORPORATION

Defendants - Appellees

CHARLIE BAKER, in his official capacity as Governor of the Commonwealth of  
Massachusetts; MAURA HEALEY, in her capacity as Attorney General of the Commonwealth  
of Massachusetts; CATHY JUDD-STEIN, in her capacity as Chair of the Massachusetts  
Gaming Commission

Third Party Defendants

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## CASE OPENING NOTICE

Issued: July 22, 2019

The above-captioned appeal was docketed in this court today pursuant to Rule 12 of the Federal Rules of Appellate Procedure. The above case number and caption (unless modified or amended as reflected in the heading of future court notices or orders) should be used on all papers subsequently submitted to this court. If any party disagrees with the clerk's office's designation of the parties on appeal, it must file a motion to amend the caption with any supporting documentation attached. Absent an order granting such a motion, the parties are directed to use the above caption on all pleadings related to this case.

Appellant must complete and return the following forms to the clerk's office by **August 5, 2019** to be deemed timely filed:

- [Appearance Form](#)

- [Transcript Report/Order Form](#) (Please carefully read the instructions for completing and filing this form.)
- [Docketing Statement](#)

These forms are available on the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov), under "Forms & Notices." Failure to comply with the deadlines set by the court may result in dismissal of the appeal for lack of diligent prosecution. See 1st Cir. R. 3.0, 10.0, and 45.0.

Upon confirmation by the circuit clerk that the record is complete either because no hearing was held, no transcript is necessary, or the transcript is on file, the clerk's office will set the briefing schedule and forward a scheduling notice to the parties.

Unless the appellant was already determined to be in forma pauperis in the underlying district court action, or was determined to be financially unable to obtain an adequate defense in a criminal case, see Fed. R. App. P. 24(a)(3), a filing fee is due within seven days of filing the notice of appeal. An appellant not already determined to be indigent, who seeks to appeal in forma pauperis, must file a motion and financial affidavit in the district court in compliance with Fed. R. App. P. 24. For an appellant not already determined to be indigent, failure to pay the filing fee or file a motion seeking in forma pauperis status with the district court within fourteen days of the date of this notice, may result in the appeal being dismissed for lack of prosecution. 1st Cir. R. 3.0(b).

An appearance form should be completed and returned immediately by any attorney who wishes to file pleadings in this court. 1st Cir. R. 12.0(a) and 46.0(a)(2). Any attorney who has not been admitted to practice before the First Circuit Court of Appeals must submit an application and fee for admission using the court's Case Management/Electronic Case Files ("CM/ECF") system prior to filing an appearance form. 1st Cir. R. 46.0(a). *Pro se* parties are not required to file an appearance form.

Dockets, opinions, rules, forms, attorney admission applications, the court calendar and general notices can be obtained from the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov). Your attention is called specifically to the notice(s) listed below:

- [Notice to Counsel and Pro Se Litigants](#)
- [Transcript Notice](#)

If you wish to inquire about your case by telephone, please contact the case manager at the direct extension listed below.

Maria R. Hamilton, Clerk

UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT  
John Joseph Moakley United States Courthouse  
1 Courthouse Way, Suite 2500  
Boston, MA 02210  
Case Manager: Maggie Henry - (617) 748-9885

# United States Court of Appeals For the First Circuit

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## NOTICE OF ELECTRONIC AVAILABILITY OF CASE INFORMATION

The First Circuit has implemented the Federal Judiciary's Case Management/Electronic Case Files System ("CM/ECF") which permits documents to be filed electronically. In addition, most documents filed in paper are scanned and attached to the docket. In social security and immigration cases, members of the general public have remote electronic access through PACER only to opinions, orders, judgments or other dispositions of the court. Otherwise, public filings on the court's docket are remotely available to the general public through PACER. Accordingly, parties should not include in their public filings (including attachments or appendices) information that is too private or sensitive to be posted on the internet.

Specifically, Fed. R. App. P. 25(a)(5), Fed. R. Bank. P. 9037, Fed. R. Civ. P. 5.2 and Fed. R. Cr. P. 49.1 require that parties not include, or partially redact where inclusion is necessary, the following personal data identifiers from documents filed with the court unless an exemption applies:

- **Social Security or Taxpayer Identification Numbers.** If an individual's social security or taxpayer identification number must be included, only the last four digits of that number should be used.
- **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- **Dates of Birth.** If an individual's date of birth must be included, only the year should be used.
- **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.
- **Home Addresses in Criminal Cases.** If a home address must be included, only the city and state should be listed.

See also 1st Cir. R. 25.0(m).

If the caption of the case contains any of the personal data identifiers listed above, the parties should file a motion to amend caption to redact the identifier.

Parties should exercise caution in including other sensitive personal data in their filings, such as personal identifying numbers, medical records, employment history, individual financial information, proprietary or trade secret information, information regarding an individual's cooperation with the government, information regarding the victim of any criminal activity, national security information, and sensitive security information as described in 49 U.S.C. § 114.

Attorneys are urged to share this notice with their clients so that an informed decision can be made about inclusion of sensitive information. The clerk will not review filings for redaction.

Filers are advised that it is the experience of this court that failure to comply with redaction requirements is most apt to occur in attachments, addenda, or appendices, and, thus, special attention should be given to them. For further information, including a list of exemptions from the redaction requirement, see <http://www.privacy.uscourts.gov/>.

# United States Court of Appeals For the First Circuit

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## NOTICE TO COUNSEL REGARDING MANDATORY REGISTRATION AND TRAINING FOR ELECTRONIC FILING (CM/ECF)

On August 21, 2017, the U.S. Court of Appeals for the First Circuit upgraded its CM/ECF system to NextGen CM/ECF, the latest iteration of the electronic case filing system. Use of the electronic filing system is mandatory for attorneys. If you intend to file documents and/or receive notice of docket activity in this case, please ensure you have completed the following steps:

- **Obtain a NextGen account.** Attorneys who had an e-filing account in this court prior to August 21, 2017 are required to update their legacy account in order to file documents in the NextGen system. Attorneys who have never had an e-filing account in this court must register for an account at [www.pacer.gov](http://www.pacer.gov). For information on updating your legacy account or registering for a new account, go to the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov) and select *E-Filing (Information)*.
- **Apply for admission to the bar of this court.** Attorneys who wish to e-file must be a member of the bar of this court. For information on attorney admissions, go to the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov) and select *Attorney Admissions* under the *Attorney & Litigants* tab. Bar admission is not required for attorneys who wish to receive notice of docket activity, but do not intend to e-file.
- **Review Local Rule 25.** For information on Loc. R. 25.0, which sets forth the rules governing electronic filing, go to the court's website at [www.ca1.uscourts.gov](http://www.ca1.uscourts.gov) and select *First Circuit Rulebook* under the *Rules & Procedures* tab.

cc:

Carrie M. Benedon  
Joshua James Bone  
Scott David Crowell  
Lael Ruth Echo-Hawk  
Felicia H. Ellsworth  
Michael A. Goldsmith  
William M. Jay  
Elizabeth A. Kaplan  
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Elizabeth J. McEvoy  
Ronald H. Rappaport  
Bruce A. Singal  
Claire Specht

# United States Court of Appeals For the First Circuit

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## NOTICE TO ALL CM/ECF USERS REGARDING "NATIVE" PDF REQUIREMENT

All documents filed electronically with the court must be submitted as "native" Portable Document ("PDF") files. See Rule 1 of the [Administrative Order](#) Regarding Case Management/Electronic Case Files System ("CM/ECF"). A **native PDF file** is created by electronically converting a word processing document to PDF using Adobe Acrobat or similar software. A **scanned PDF file** is created by putting a paper document through an optical scanner. Use a scanner ONLY if you do not have access to an electronic version of the document that would enable you to prepare a native PDF file.

If you fail to file a document in the correct format, you will be asked to resubmit it. Instructions for converting Word or WordPerfect documents to PDF are available on the court's website at [http://www.ca1.uscourts.gov/sites/ca1/files/WP\\_Conversion.pdf](http://www.ca1.uscourts.gov/sites/ca1/files/WP_Conversion.pdf).